

#147 Reg for
Refund

08-25-03

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Kunst and Clemens

Art Unit: 1638

Application No.: 09/787,962

Confirmation No. 1208

Filed: March 22, 2001

CERTIFICATE OF MAILING

For: A PLANT LONG CHAIN FATTY
ACID BIOSYNTHETIC ENZYME

Examiner: Elizabeth F. McElwain

Date: August 13, 2003

I hereby certify that this paper and the documents referred to as being attached or enclosed herewith are being deposited with the United States Postal Service on August 13, 2003 as First Class Mail in an envelope addressed to: ATTN: REFUND SECTION, ACCOUNTING DIVISION, OFFICE OF FINANCE, COMMISSIONER FOR PATENTS, P.O. BOX 1450, ALEXANDRIA, VA 22313-1450.

Tanya M. Harding, Ph.D.
Attorney for Applicants

REQUEST FOR REFUND
UNDER 37 C.F.R. § 1.26

ATTN: REFUND SECTION, ACCOUNTING DIVISION, OFFICE OF FINANCE
COMMISSIONER FOR PATENTS
P.O. BOX 1450
ALEXANDRIA, VA 22313-1450

In accord with the Patent Office notice of January 20, 1983 (1027 TMOG 14), Applicants hereby request a refund.

On March 26, 2003, Applicants timely mailed an Amendment and Response to Restriction Requirement (Amendment); no additional fee was required. This filing was acknowledged by the Patent Office by returning a Postcard stamped with the date of receipt of the Amendment. A copy of that Postcard, showing the date stamp of April 1, 2003, is enclosed herewith as **Exhibit A**.

On May 12, 2003, Applicants' representative performed a routine status check for the application on the PAIR on-line database, and was surprised to note that the April 1 Amendment was not yet listed. At the recommendation of Examiner Elizabeth F. McElwain, Applicants sent

by facsimile a copy of the April 1 Amendment to be delivered directly to the Examiner. Included with that facsimile was a copy of the Postcard showing the April 1, 2003, date stamp.

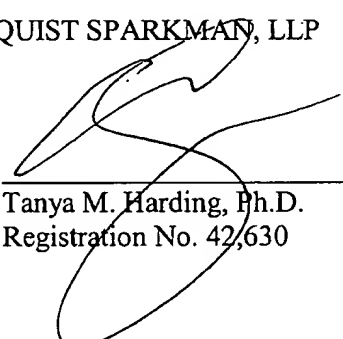
Based on receipt of the facsimile copy of the Amendment, the Patent Office erroneously charged a \$460.00 extension of time fee to Applicants' representative's deposit account (no. 02-4550). This is in error since that Amendment was originally and timely filed by the March 26, 2003, deadline.

Applicants therefore request a refund of the erroneously charged \$460.00.

Respectfully submitted,

KLARQUIST SPARKMAN, LLP

By



Tanya M. Harding, Ph.D.
Registration No. 42,630

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CLIENT/MATTER NO. 4810 · 58563 ATTY/SEC TMH:jlb
INVENTOR(S): Kunst and Clemens
APP. NO. 09/187,962 FILING DATE 3-22-01
The following, due 3-26-03, mailed 3-26-03
by First Class Mail, was received in the U.S. PTO on the date stamped hereon:

<input type="checkbox"/> Amendment <input type="checkbox"/> Marked Up Claims/Spec. <input type="checkbox"/> After Final Rejection	
<input type="checkbox"/> Extension of Time/Extension Fee for <input type="checkbox"/> Months	
<input type="checkbox"/> Notice to File Missing Parts - Date <input type="checkbox"/>	<input type="checkbox"/> Ltr to Draftsperson
<input type="checkbox"/> Notice to File Corrected App. Papers - Date <input type="checkbox"/>	<input type="checkbox"/> Notice-Allowability
<input type="checkbox"/> Comb. Dec./POA <input type="checkbox"/> Sht(s) Drawings <input type="checkbox"/> Late Fee	<input type="checkbox"/> Sht(s) Drawings
<input type="checkbox"/> Issue Fee Transmittal (Form PTOL-85b)	<input type="checkbox"/> Sequence Listing <input type="checkbox"/> pages
<input type="checkbox"/> Supp. Dec. <input type="checkbox"/> Issue/Adv. Order fees	<input type="checkbox"/> Stmt in Comp. <input type="checkbox"/> Disk
<input type="checkbox"/> IDS <input type="checkbox"/> Form PTO-1449/Ref.	<input type="checkbox"/> Petition
<input type="checkbox"/> Assignment to: <input type="checkbox"/> Recordal Sheet	
<input checked="" type="checkbox"/> Transmittal Ltr. + <input checked="" type="checkbox"/> 1 <input type="checkbox"/> 2 copy(ies)	<input type="checkbox"/> Request for Corrected Filing Receipt
<input type="checkbox"/> Check No. <input type="checkbox"/> for \$ <input type="checkbox"/>	<input checked="" type="checkbox"/> Deposit Acct. 02-4550 Authority
<input checked="" type="checkbox"/> Amendment and Resp. to Rest. Req.	

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<input checked="" type="checkbox"/> Transmittal Ltr. + <input checked="" type="checkbox"/> 1 <input type="checkbox"/> 2 copy(ies)	<input type="checkbox"/> Request for Corrected Filing Receipt
<input type="checkbox"/> Check No. <input type="checkbox"/> for \$ <input type="checkbox"/>	<input checked="" type="checkbox"/> Deposit Acct. 02-4550 Authority
<input checked="" type="checkbox"/> Amendment and Resp. to Rest. Req.	

APR 01 2003

EXHIBIT